

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
HRD CORPORATION D/B/A	§	
MARCUS OIL & CHEMICAL	§	CASE NO. 11-36020-H5-11
DEBTOR.	§	
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HRD CORPORATION D/B/A	§	
MARCUS OIL & CHEMICAL	§	
	§	
PLAINTIFF	§	
	§	
v.	§	ADVERSARY NO. 11-3390
	§	
DR. EBRAHIM BAGHERZADEH,	§	
JPMORGAN CHASE BANK, N.A., AND	§	
COMMUNITY BANK OF TEXAS,	§	
DEFENDANTS	§	

**AGREED ORDER GRANTING INTERPLEADER OF FUNDS, ATTORNEY’S FEES
AND COSTS AND DISCHARGE OF STAKEHOLDERS**

The parties, as evidenced by the signature of their respective counsel below, agree that Garnishees JPMorgan Chase Bank, N.A. (“Chase”) and CommunityBank of Texas, N.A. (“CBoT”) are authorized to interplead into the registry of the United States District Court for the Southern District of Texas, the funds in their possession due to the conflicting claims to the funds subject to the Writ of Garnishment, served on Chase and CBoT by the United States Marshall, in that certain action styled, HRD Corporation d/b/a Marcus Oil & Chemical v. Dr. Ebrahim Bagherzadeh, Cause No. 4:10-cv-01747, In the United States District Court for the Southern District of Texas (the “Federal Court Lawsuit”), less the attorney’s fees and expenses incurred by Chase and CBoT in this matter. The parties agree and consent to the Bankruptcy Court’s jurisdiction to enter this Agreed Order and to the relief provided herein, provided that the Debtor and Dr. Ebrahim Bagherzadeh reserve all rights, claims, liens and defenses they would

have had against each other in the Federal Court Lawsuit and this adversary proceeding prior to the entry of this Agreed Order.. The parties further agree that once this Agreed Order is entered, Chase and CBoT shall be discharged and released from all liability to, and claims by, any party to this action and in the Federal Court Lawsuit against Chase and CBoT and that this Agreed Order is properly filed by Chase in lieu of an answer. Based on the agreement of the parties, it is

ORDERED that, upon entry of a final non-appealable Order, Chase shall interplead into the registry of the United States District Court the funds currently subject to the Writ of Garnishment in the amount of \$199,536.45, which consists of \$198,418.28 from Account No. XXXX7696 and from Account No. XXXX2057, the lesser of \$1,118.17, or the market value of this account on the date of the interpleader, less the attorney's fees and expenses set off by Chase described herein from Account No. XXXX2057, which shall be held by the Clerk of the Court pending further order of this Court; it is further

ORDERED that, upon entry of a final non-appealable Order, CBoT shall interplead into the registry of the United States District Court the funds currently subject to the Writ of Garnishment in the amount of \$1,248,787.26, from Account No. XXXX3924, which shall be held by the Clerk of the Court pending further order of this Court; it is further

ORDERED that Chase shall be immediately paid by HRD Corporation d/b/a Marcus Oil & Chemical, Plaintiff herein and judgment defendant in the Federal Court Lawsuit, from the garnished funds, its reasonable attorney's fees and expenses incurred in this proceeding in the amount of \$3,500.00 from Account No. XXXX2057 , which said payment may be effectuated by Chase setting off the sum of \$3,500.00 from Account No. XXXX2057 ; it is further

ORDERED that CBoT shall be immediately paid by judgment HRD Corporation d/b/a Marcus Oil & Chemical, Plaintiff herein and judgment defendant in the Federal Court Lawsuit,

from the garnished funds, its reasonable attorney's fees and expenses incurred in this proceeding in the amount of \$3,000.00 from Account No. XXXX3924, which said payment may be effectuated by CBoT setting off the sum of \$3,000.00 from Account No. XXXX3924; it is further

ORDERED that Chase and CBoT are by this judgment forever discharged of all liability to HRD Corporation d/b/a Marcus Oil & Chemical and Dr. Ebrahim Bagherzadeh; it is further

ORDERED that this order fully and finally disposes of all claims of any of the parties in this adversary proceeding and the Federal Court Lawsuit against Chase and CBoT, but HRD Corporation d/b/a Marcus Oil & Chemical and Dr. Ebrahim Bagherzadeh shall reserve all rights, claims, liens and defenses they would have had against each other in the Federal Court Lawsuit and this adversary proceeding prior to the entry of this Agreed Order relating to the funds deposited into the Court's registry pursuant to the terms of this Agreed Order; and it is further

ORDERED that, upon entry of a final non-appealable Order, Chase is authorized to wire transfer to the Debtor's Debtor in Possession Account at Wells Fargo all funds deposited and finally settled, into the Chase accounts after July 12, 2011 up to September 8, 2011, which approximates \$171,646.00, plus any additional deposits actually collected and finally settled in the account (after all Bank fees and charges have been offset); and it is further

ORDERED that the terms of this Order shall be binding on any successors and assigns of the parties, including but not limited to any trustee appointed under any section of title 11 of the United States Code.

ORDERED that either a similar order will be submitted by the parties hereto to the District Court in the Federal Court Lawsuit for entry or an order will be entered which approves this Agreed Order and its terms in the Federal Court Lawsuit and releases Chase and CBoT from

the Writ(s) of Garnishment entered in the Federal Court Lawsuit.

SIGNED this _____ day of _____, 2011.

HON. KAREN K. BROWN

UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND SUBSTANCE:

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